

Sign Special Permit 16-09  
531 Main Street  
Acton Technology Center  
May 17, 2016

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**Planning Board**

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**TOWN OF ACTON**  
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## **DECISION**

16-09

### **Acton Technology Center**

Sign Special Permit

May 17, 2016

**GRANTED with CONDITIONS**

Decision of the Acton Planning Board (hereinafter the Board) on the application of property owner, Werner Gossels (hereinafter the Applicant), P.O. Box 122 Wayland, MA 01778-0122. The property is located at 531 Main Street and shown on the Acton Town Atlas map E4 parcel 67 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on April 15, 2016 pursuant to Section 7.13 of the Acton Zoning Bylaw (hereinafter the Bylaw) and the Sign Special Permit Rules and Regulations (hereinafter the Rules).

The Applicant presented the subject matter of the special permit to the Board at a duly noticed public hearing on May 17, 2016. Board members **Mr. Jeff Clymer (Chairman), Mr. Mike Dube, Mr. Ray Yacouby, Mr. Derrick Chin, Mr. Mike Mai and Mr. Bharat Shah**, were present throughout the hearing. The minutes of the hearing and submissions on which this decision is based upon may be referred to in the Planning Department or the Town Clerk's office at the Acton Town Hall.

## **1 EXHIBITS**

Submitted for the Board's deliberation were the following exhibits:

- 1.1 Items and documentation required by the Rules consisting of:
  - An Application for a Sign Special Permit, received in the Planning Department on 4/15/16;
  - Certified abutters list;
  - A locus map;
  - Sign renderings, revised 5/10/16;
  - Sign location plan, revised 5/10/16;
- 1.2 Interdepartmental communication received from:
  - Acton Engineering Department, dated April 20, 2016 ;
  - Acton Tree Warden, dated April 21, 2016;
  - Acton Planning Department, dated May 11, 2016;

Exhibit 1.1 is referred to herein as the Plan.

## **2 FINDINGS and CONCLUSIONS**

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The Site is located within the Light Industrial-1 (LI-1) zoning district.
- 2.2 The Applicant requests a special permit for two freestanding business center signs (hereinafter the Sign) at the Site that would not otherwise be allowed under the Bylaw:
  - a) With a greater number of signs than allowed under Bylaw Section 7.8. Two freestanding signs are proposed.
  - b) With a display area in excess of 24 square feet as prescribed by Bylaw section 7.8.5.2. The proposed display area is 40 square feet.
  - c) In all other respects the proposed Sign would comply with by-right requirements of the bylaw.
- 2.3 The Sign may be allowed on the Site by special permit in accordance with sections 7.13.1.1 and 7.13.1.2(c) of the Bylaw.
- 2.4 Both Signs have a black face with white letters. The Signs match the individual businesses' wall signs along Main Street.
- 2.5 The Sign is to be illuminated by LED and powered by ground-mounted solar panels, only the white letters are to be illuminated.
- 2.6 The Signs' locations on the lot comply with Bylaw sections 7.8.2.
- 2.7 The Signs' landscape areas comply with Bylaw section 7.8.3.
- 2.8 The Signs' are consistent with the character and uses of the area and with the Zoning District in which they will be located.
- 2.9 The Sign is appropriate in scale, material and proportion relative to the buildings in the area and to the general surroundings. It is attractively designed, appropriately located, and will be compatible with the buildings to which it principally relates, and it is in harmony with the general area of its location in the Light Industrial-1 District.
- 2.10 The Sign is a continuous part of an integrated architectural design of the entire Site.
- 2.11 The colors of the Sign are restrained, and in harmony with the buildings.

- 2.12 The materials used for the Sign are appropriate for the Light Industrial–1 District and do not detract from the aesthetic qualities of the surroundings.
- 2.13 The number of graphic elements on the Sign is held to the minimum needed to convey their primary messages and are in good proportion to the area of the Signs' faces.
- 2.14 The Signs will not unduly compete for attention with any other signs in the area.
- 2.15 The Signs are necessary for adequate identification of the business at this Site.
- 2.16 The Signs as approved herein is appropriate for the Site; is consistent with the Master Plan; is in harmony with the purpose and intent of the Bylaw, specifically Section 7; will not be detrimental or injurious to the neighborhood where it is proposed; and complies in all respects to the applicable requirements of the Bylaw and the Rules.
- 2.17 The Board has received comments from various Town departments, which are listed in Exhibit 1.2 above. The Board considered these comments in its deliberations, made them available to the Applicant, and incorporated them into this decision as deemed appropriate.

### **3 BOARD ACTION**

Therefore, the Board voted to **GRANT** the requested special permit subject to and with the benefit of the following conditions and limitations:

#### **3.1 CONDITIONS**

The following conditions shall be binding on the Applicant and its successors and assigns, and shall be enforceable by the Zoning Enforcement Officer (ZEO) in his administration of the sign permits under Section 7.6 of the Bylaw. Failure to adhere to these conditions shall render this special permit null and void, without force and effect, and shall constitute grounds for the revocation of this special permit, and of any sign permit issued by the ZEO hereunder. The Town of Acton may elect to enforce compliance with this special permit using any and all powers available to it under the law.

- 3.1.2 Prior to erecting the Sign, the Applicant shall obtain a sign permit from the ZEO pursuant to Section 7.6 of the Bylaw.
- 3.1.3 The Sign shall not obstruct the sight distance of vehicles in the site or on Main Street.
- 3.1.4 The sign illumination must comply with the illumination standards in Section 7.4.3 under the Bylaw.
- 3.1.5 The Sign shall be erected in accordance with the Plan approved and amended herewith, and shall otherwise comply with all applicable requirements of the Bylaw.
- 3.1.6 All taxes, penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full prior to issuance of a sign permit.

#### **3.2 LIMITATIONS**

This special permit shall be limited as follows:

- 3.2.1 The foregoing conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all-inclusive or to negate the remainder of the Bylaw and the Rules.
- 3.2.2 This special permit applies only to the Site identified in this decision and to the proposed Signs as shown on the Plan.

- 3.2.3 Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 3.2.4 This special permit shall lapse if substantial use thereof has not commenced within two years of the filing date of this decision with the Town Clerk, except for good cause, or if construction under this special permit is not continued through to completion as continuously and expeditiously as is reasonable. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration dates. The Board herewith reserves its rights and powers to grant or deny such extension, to issue any appropriate changes to the special permit and to require any appropriate modifications of the Plan.
- 3.2.5 The Board hereby reserves its right and power to modify or amend the Plan and the terms and conditions of this special permit with or without a public hearing upon the request of the Applicant, his designees or assigns, or upon its own motion.

#### **4 APPEALS**

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, S. 17 and shall be filed within 20 days after the date of filing this decision with the Town Clerk.

Signed on behalf of the Acton Planning Board

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Roland Bartl, AICP, Planning Director  
for the Town of Acton Planning Board

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

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Eva Szkaradek, Town Clerk

Date

Copies furnished:

Applicant -  
certified mail #

Building Commissioner  
Engineering Department  
Town Clerk  
Assistant Assessor  
Town Manager

Owner  
MAGIC (DRI only)